

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

**CRIMINAL APPLICATION NO. 2888 OF 2017
IN APEAL/236/2017 WITH APEAL/236/2017
WITH APEAL/237/2017 WITH APEAL/238/2017
WITH APEAL/289/2017 WITH APPLN/2891/2017
IN APEAL/237/2017**

SK.KHAJA SHABBIR QURESHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant :Mr. Patel Khizer
APP for Respondent/State: Mr. V.M. Kagne

...
CORAM: S.S. SHINDE & S.M. GAVHANE, JJ
Dated: July 25, 2017

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By this application, the
applicant/accused no.3 in Sessions Case
No.149 of 2008 has prayed to suspend the
sentence during pendency of appeal and to
release him on bail.

2. Learned counsel appearing for the
applicant makes an oral prayer for
adjournment. He submits that, there are
instructions that, Mr. Rajendra Deshmukh,

learned counsel to argue this application. Since the original record and proceedings are called from the trial Court and due to it, registry of the trial Court is unable to prepare paper book so as to make the appeal ready for hearing, the prayer for adjournment stands rejected.

3. When the learned counsel appearing for the applicant i.e., Advocate on record, is called upon to argue the application, he has not advanced arguments.

4. We have called upon the learned A.P.P. to put forth his contentions. He invites our attention to the evidence of the prosecution witnesses, and in particular, the evidence of the eye witnesses and submits that, as per the evidence of eye witnesses overt act has been attributed to accused. He further submits that, there is overwhelming evidence in the form of eye witnesses, medical evidence and other witnesses. Therefore, the prayer for releasing the applicant on bail during pendency of the appeal may not be favourably considered.

5. Upon hearing the learned A.P.P. and perusal of the original record and also the evidence of the witnesses, particularly the evidence of eye witnesses PW-1, PW-11, PW-12 and PW-13, prima facie, we are of the opinion that, the findings recorded by the trial Court are in consonance with the evidence brought on record by the prosecution. There is also other evidence on record which lends support to the version of the eye witnesses. No case is made out to allow the application. Hence, the application stands rejected.

6. The Registry of this Court shall send original Record and Proceedings to the Registry of Sessions Judge, Jalna. Upon receiving the original record and proceedings by the Registry of the Sessions Judge, Jalna, the Registry of concerned Court shall prepare the paper book and send it back along with original record and proceedings, as expeditiously as possible, and preferably within three months from receipt of the original record and proceedings.

7. Liberty to mention after receipt of

paper book and original record and
proceedings.

(S.M. GAVHANE, J)

(S.S. SHINDE, J)

SGA/